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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	1	Attorney Docket Number	CV01382K US (4686-045584)
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ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC	
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)	
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information	
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Express mail certificate; Transmittal form; Exhibits A-E; Check in the amount of \$200.00; and Return receipt postcard.	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application			
<input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53			

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

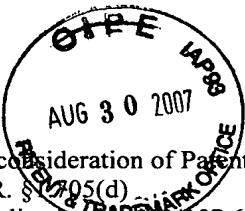
Firm Name	The Webb Law Firm		
Signature			
Printed Name	Ann M. Cannoni		
Date	August 30, 2007	Reg. No.	35,972

### CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Melissa A. Wyke	Date	August 30, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Request for Reconsideration of Patent Term Adjustment  
Under 37 C.F.R. §1.705(d)  
U.S. Patent Application No. 10/057,629  
Paper Dated: August 30, 2007  
Attorney Docket No. CV01382K US (4686-045584)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/057,629  
Applicants : Harry R. Davis et al.  
Filed : January 25, 2002  
Title : Use of Substituted Azetidinone Compounds for the Treatment of Sitosterolemia  
Art Unit : 1617 Confirmation No. : 2175  
Examiner : San-Ming R. Hui Customer No. : 28289

**Mail Stop Petition**  
**Commissioner for Patents**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)**

Applicants respectfully request reconsideration of the patent term adjustment determination for U.S. Patent Application No. 10/057,629. A Notice of Allowance was mailed on June 25, 2007 for this application. This request is being timely filed before payment of the issue fee for the application pursuant to 37 C.F.R. §1.705(b). A check in the amount of \$200.00 to cover the cost of the fee for application for patent term adjustment is enclosed herewith. Any deficiency or overpayment should be charged or credited to deposit account number 23-0650.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 30, 2007.

Melissa A. Wyke

(Name of Person Mailing Paper)

Signature

08/30/2007

Date

Request for Reconsideration of Patent Term Adjustment  
Under 37 C.F.R. §1.705(d)  
U.S. Patent Application No. 10/057,629  
Paper Dated: August 30, 2007  
Attorney Docket No. CV01382K US (4686-045584)

**I. Statement of the Facts**

A Notice of Allowance was mailed on June 25, 2007 for U.S. Patent Application No. 10/057,629 (hereinafter the '629 Application). The accompanying Determination of Patent Term Adjustment under 35 U.S.C. §154(b) specifies that the patent term adjustment is **612 days**, subject to any disclaimer.

**A. Correct Patent Term Adjustment**

Applicants respectfully request that this determination of the patent term adjustment be reconsidered and revised. Applicants have analyzed the prosecution history of the '629 Application and respectfully assert that the correct patent term adjustment should be **921 days, not 612 days**.

To facilitate review of the patent term adjustment, Applicants have attached a copy of a printout of a computerized summary of the prosecution history of the '629 Application compiled using the Patent Term Online software as Exhibit A. Exhibit A is a list of events that occurred during the prosecution of the '629 Application.

Also, Applicants have attached (as Exhibit B) a copy of an annotated printout of each of the prosecution history events listed in Exhibit A. Exhibit B sets forth the date and name of each event, a convenient summary of the U.S. Patent Office rule under which the significance of the event was analyzed with respect to patent term adjustment ("Rule Invoked"), and the date and name of the subsequent related event which concludes the analysis under the pertinent rule ("Related Event"). This analysis was conducted using the Patent Term Online software.

For convenience in the discussion to follow, Applicants have attached (as Exhibit C) a copy of an AIPA Term Calculation Report which provides a summary of the patent term adjustment analysis and sets forth the relevant events of the prosecution history and analysis of each relevant event with respect to excluded days, debit days and credit days. The AIPA Term Calculation Calendar (attached as Exhibit D) provides a day-by-day review of the relevant events

Request for Reconsideration of Patent Term Adjustment  
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included in Exhibit C. The U.S. Patent Office's Patent Term Adjustment History is attached as Exhibit E for convenience.

## II. Analysis

Applicants will now discuss and analyze each of the pertinent events of the prosecution history to show the basis for Applicants' assertion that the correct patent term adjustment should be **921 days**, making reference to Exhibit C. For events in which Applicants' determination agrees with the U.S. Patent Office determination, reference is made to Exhibit C and further detailed discussion is omitted.

### A. **Bases Under §§1.702 and 1.703 for Adjustment**

The '629 Application was filed on January 25, 2002. See Exhibit C, page 2. The projected issue date of the application is January 1, 2008 (the Tuesday before the date that is 28 weeks after the mailing date of the Notice of Determination of Patent Term Adjustment (June 25, 2007)). See Exhibit C, page 2. Under 37 C.F.R. §1.702(b), the U.S. Patent Office must issue a patent within three years after the filing date of the application. The period of adjustment under 37 C.F.R. §1.703(b) is the number of days in the period beginning on the day after the date that is three years after the date on which the application was filed and ending on the date that the application is projected to issue (total 409 days). To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment shall not exceed the actual number of days that the issuance of the patent was delayed. There were 99 days credited for adjustment under 37 C.F.R. §1.702(a)(1), which is the number of days in the period beginning on the day after the date that is fourteen months after the date on which the application was filed and ending on the date of the mailing of the Restriction Requirement dated July 2, 2003. Thus, the actual delay was 409 days minus 99 days, which equals **310 days**. See Exhibit C, pages 2 and 7-8.

Request for Reconsideration of Patent Term Adjustment  
Under 37 C.F.R. §1.705(d)  
U.S. Patent Application No. 10/057,629  
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**B. Bases Under §1.704 for Adjustment**

On May 10, 2005, Applicants filed an Information Disclosure Statement. See Exhibit C, page 6. The Information Disclosure Statement was not expressly requested by the Examiner and was filed after the Notice of Appeal filed on May 9, 2005. Under 37 C.F.R. §1.704(c)(8), Applicants' period of adjustment (credits) is reduced for the period beginning on the day after the date that the initial reply was filed (May 9, 2005) and ending on the date that the Information Disclosure Statement was filed (May 10, 2005). Thus, Applicants' period of adjustment (credits) is **reduced by one (1) day** for this event.

**C. Terminal Disclaimer**

The '629 Application is not subject to any terminal disclaimer.

**III. Period of adjustment determined according to 37 C.F.R. §1.703(f)**

According to 37 C.F.R. §1.703(f), the period of adjustment shall be the sum of the periods calculated under 37 C.F.R. §1.703(a) through (e), to the extent that such periods are not overlapping, less the sum of the periods calculated under 37 C.F.R. §1.704. The sum of the periods calculated under 37 C.F.R. §1.703(a) through (e) is equal to 1071 days. The sum of the periods calculated under 37 C.F.R. §1.704 is equal to 150 days. The net patent term adjustment under 37 C.F.R. §1.703(f) is equal to 1071 days minus 150 days, i.e., **921 days**.

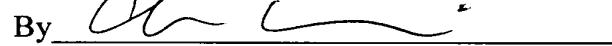
Request for Reconsideration of Patent Term Adjustment  
Under 37 C.F.R. §1.705(d)  
U.S. Patent Application No. 10/057,629  
Paper Dated: August 30, 2007  
Attorney Docket No. CV01382K US (4686-045584)

Accordingly, Applicants respectfully request that the patent term adjustment be reconsidered and corrected to be **921 days**.

Respectfully submitted,

THE WEBB LAW FIRM, P.C.

Date: August 30, 2007

By 

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PATENT APPLICATION NO: 10/057,629

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Harry R. Davis et al.

ATTORNEY'S DOCKET NUMBER

CV01382K US (4686-045584)

ENTITLED

**"USE OF SUBSTITUTED AZETIDINONE COMPOUNDS  
FOR THE TREATMENT OF SITOSTEROLEMIA"**

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**EXPRESS MAIL CERTIFICATE**

"Express Mail" Label Number EL 881092117 US

Date of Deposit August 30, 2007

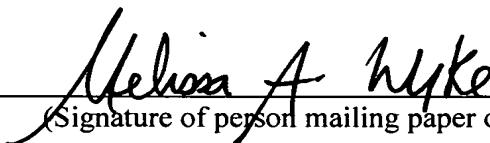
I hereby certify that the following attached paper or fee

- Transmittal form (1 p.);
- Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. §1.705(b) (5 pp);
- Exhibits A-E;
- Check in the amount of \$200.00 (patent term adjustment fee); and
- Return receipt postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop Petition, the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Melissa A. Wyke

(Typed name of person mailing paper or fee)



(Signature of person mailing paper or fee)


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## EXHIBIT A

[APPLICATIONS](#) [PROSECUTION HISTORY](#) [APPLY PAIR RULES](#) [TERM ANALYSIS](#)
Docket Number: **cv01382k US**

<input type="checkbox"/>	Line Item	Date (mm/dd/yyyy)	Event Title
C 1	01/25/2002	Earliest Referenced Application under 35 USC 120, 121, or 365(c)	
C 2	01/25/2002	Filing Date under 35 USC 111(a) (US National Application)	
C 3	08/21/2002	Comments: IDSSs electronically filed: EFS 17233 and 17262  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>	Information Disclosure Statement
C 4	08/23/2002	Comments: IDSSs electronically filed: EFS 17325; 17349; 17350; 17351  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>	Information Disclosure Statement
C 5	01/13/2003	Comments: IDS mailed 1/8/03; rec'd 1/13/03  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>	Information Disclosure Statement
C 6	04/14/2003	Comments: IDS mailed 4/4/03; rec'd 4/14/03  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>	Information Disclosure Statement
C 7	05/05/2003	Comments: IDS mailed 4/28/03; rec'd 5/5/03  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>	Information Disclosure Statement
C 8	05/16/2003	Comments: IDS mailed 5/14/03; rec'd 5/16/03  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>	Information Disclosure Statement

C	9	06/09/2003	Information Disclosure Statement Comments: IDS mailed 6/5/03; rec'd 6/9/03 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>
C	10	07/02/2003	Restriction / Election-of-Species <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Requirement for Restriction / Election".</i>
C	11	08/04/2003	Response to Election-of-Species / Restriction Filed Comments: mailed 8/1/03; rec'd 8/4/03 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Response to Election / Restriction Filed".</i>
C	12	10/21/2003	Notice of Informal or Non-Responsive Amendment <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Mail Notice of Informal or Non-Responsive Amendment".</i>
C	13	10/31/2003	Information Disclosure Statement Comments: IDS mailed 10/28/03; rec'd 10/31/03 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>
C	14	11/21/2003	Response to Election-of-Species / Restriction Filed Comments: mailed 11/18/03; rec'd 11/21/03 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Response to Election / Restriction Filed".</i>
C	15	12/01/2003	Information Disclosure Statement Comments: IDS mailed 11/26/03; rec'd 12/01/03 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>
C	16	03/15/2004	Non-final Action <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Non-Final Rejection".</i>
C	17	07/14/2004	Affidavit(s), Declaration(s), or Exhibit(s) Received <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received".</i>
C	18	07/14/2004	Reply after Non-final Action under 37 CFR 1.111 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Response after Non-Final Action".</i>
C	19	10/20/2004	Non-final Action <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Non-Final Rejection".</i>

○	20	11/17/2004	Reply after Non-final Action under 37 CFR 1.111 Comments: mailed 11/15/04; rec'd 11/17/04 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Response after Non-Final Action".</i>
○	21	02/08/2005	Final Rejection <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Final Rejection".</i>
○	22	04/08/2005	Information Disclosure Statement <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>
○	23	04/08/2005	Amendment after Final <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Amendment after Final Rejection".</i>
○	24	05/09/2005	Notice of Appeal to Board of Patent Appeal and Interferences <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Notice of Appeal Filed".</i>
○	25	05/10/2005	Information Disclosure Statement <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>
○	26	05/20/2005	Advisory Action after Final Rejection <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Advisory Action (PTOL-303)".</i>
○	27	06/06/2005	Appeal Brief by Applicant <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Appeal Brief Filed".</i>
○	28	08/16/2005	Miscellaneous PTO Communication to Applicant Comments: IDSSs of 12/11/03 and 10/31/03 were considered <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Miscellaneous Communication to Applicant - No Action Count".</i>
○	29	08/30/2005	Examiner's Answer to Appeal Brief <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Examiner's Answer to Appeal Brief".</i>
○	30	05/03/2006	Miscellaneous PTO Action or Notice Comments: Order Returning Undocketed Appeal to Examiner to consider declaration <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Order Returning Undocketed Appeal to the Examiner".</i>
○	31	08/10/2006	Miscellaneous PTO Communication to Applicant Comments: Comm from Examiner: Declaration had been considered

<input type="radio"/>	32	09/29/2006	Information Disclosure Statement  Comments: IDS mailed 9/22/06; rec'd 9/29/06  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Miscellaneous Communication to Applicant - No Action Count".</i>
<input type="radio"/>	33	03/01/2007	Final Decision by Board of Patent Appeals and Interferences  Comments: PAIR indicates decision mailed on 3/1/07, however document indicates it was mailed at Board who said it was mailed on 3/1/07.  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>
<input type="radio"/>	34	06/25/2007	Notice of Allowance under 35 USC 151  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "BPAI Decision - Examiner Reversed".</i>
<input type="radio"/>	35	09/25/2007	Issue Fee Payment under 35 USC 151  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Mail Notice of Allowance".</i>
<input type="radio"/>	36	01/01/2008	Issue Date [!] Estimated event date. When the actual date is known, select this event, update the date (if it changed), and then click Save to remove this warning.
		<input type="button" value="New"/>	<input type="button" value="CLICK to add a new history event"/>
		<input type="button" value="Import PTO PAIR Data"/>	<input type="button" value="Delete All Events"/>

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## EXHIBIT B

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[APPLICATIONS](#) | [PROSECUTION HISTORY](#) | [APPLY TERM RULES](#) | [TERM ANALYSIS](#)

Docket Number: <b>CV01382K US</b>				Rule Invoked	Related Event	
■	Line Item	Date	Event			
<input type="radio"/>	1	01/25/2002	Earliest Referenced Application under 35 USC 120, 121, or 365(c)	--	<b>14-Month PTO First Action</b>	<p>PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of <u>35 USC 371</u> in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of <u>35 USC 371</u> and ending on the date of mailing of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. <u>35 USC 154(b)(1)(A)(i)</u>; <u>37 CFR 1.702(a)(1)</u>, <u>1.703(a)(1)</u>.</p> <p> The PTO interprets this rule as requiring that a notification be <u>mailed</u>. See <u>37 CFR 1.702(a)(1)</u>. Therefore, if this is an oral restriction requirement, it may not be the correct first PTO action.</p>
<input type="radio"/>	2	01/25/2002	Filing Date under 35 USC 111(a) (US National Application)		<b>3-Year PTO Issue of Patent</b>	<p>PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under <u>35 USC 371(b)</u> or <u>(f)</u> in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under <u>35 USC 371(b)</u> or <u>(f)</u> in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusions periods. <u>35 USC 154(b)(1)(B)</u>; <u>37 CFR 1.702(b)</u>, <u>1.703(b)</u>.</p> <p><input checked="" type="checkbox"/> PTO Exclusion Interpretation</p> <p><input checked="" type="checkbox"/> <u>37 CFR § 1.703(f) "Actual Delay" Limitation</u></p> <p><input type="checkbox"/> Do Not Analyze this Rule</p>
			Information Disclosure Statement			

C	3	08/21/2002	Comments: IDSs electronically filed: EFS 17233 and 17262 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>	Information Disclosure Statement	--		
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<input type="radio"/>	8 05/16/2003	Information Disclosure Statement Comments: IDS mailed 5/14/03; rec'd 5/16/03 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>		
<input type="radio"/>	9 06/09/2003	Information Disclosure Statement Comments: IDS mailed 6/5/03; rec'd 6/9/03 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>	<b>3-Month Applicant Response to Notice or Action</b>  Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. <u>35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</u>  Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. <u>35 USC 154(b)(3)(C); 37 CFR 1.705(c).</u>  <input checked="" type="checkbox"/> 1.705(c) Showing of Due Care	Select Applicant Response: 1.4. Response to- Species / Restriction Filed
<input type="radio"/>	10 07/02/2003	Restriction / Election-of-Species <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Requirement for Restriction / Election".</i>		
<input type="radio"/>	11 08/04/2003	Response to Election-of-Species / Restriction Filed Comments: mailed 8/1/03; rec'd 8/4/03 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Response to Election / Restriction Filed".</i>	<b>Reply Having Omission</b>  Period of adjustment (credits) shall be reduced where applicant submits a reply having an omission (37 CFR 1.135(c)), for the period beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed. <u>37 CFR 1.704(c)(7).</u>  The USPTO interprets this rule as not limited to Office actions under 37 CFR 1.135 (c), but it applies when the Office issues any action or notice indicating that a reply has an omission which must be corrected. See MPEP 2732 at 2700-20 (8th ed., rev. 2, May 2004).  [!] Carefully check that any associated PTO Notices or Actions (and associated applicant responses) have the proper rule assignments and closing events. This is a common source of	Reply/Other Paper Correcting Omission: 14. Response to- Species / Restriction Filed



		Statement		
		Comments: IDS mailed 11/26/03; rec'd 12/01/03 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>		
O	15	12/01/2003		<p>paper was filed. <u>37 CFR 1.704(c)(8)</u>.</p> <p>A paper containing only an IDS in compliance with 37 CFR 1.97 and 1.98 will not generate a reduction if accompanied by a statement that each item in the IDS was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than 30 days prior to the filing of the IDS. This 30 day period is not extendable. <u>37 CFR 1.704(d)</u>.</p> <p><input type="checkbox"/> <u>1.704(d) IDS Statement Included</u></p> <p><input checked="" type="checkbox"/> Carefully check this IDS to determine if a statement under 37 CFR 1.704(d) is included. Indicate this using the checkbox above.</p>
O	16	03/15/2004	Non-final Action <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Non-Final Rejection".</i>	<p><b>3-Month Applicant Response to Notice or Action</b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. <u>35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b)</u>.</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. <u>35 USC 154(b)(3)(C); 37 CFR 1.705(C)</u>.</p> <p><input type="checkbox"/> <u>1.705(C) Showing of Due Care</u></p>
O	17	07/14/2004	Affidavit(s), Declaration(s), or Exhibits(s) Received <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Affidavit(s) (Rule 131 or 132) or Exhibits(s) Received".</i>	<p><b>4-Month PTO Response to Applicant Reply</b></p> <p>Reply after Non-final Action under 37 CFR 1.111</p> <p><input type="checkbox"/> <u>Reply after Non-final Action under 37 CFR 1.111</u></p> <p><input checked="" type="checkbox"/> <u>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Response after Non-Final Action".</u></p>
O	18	07/14/2004		<p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. <u>35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2), (3).</u></p> <p><b>3-Month Applicant Response to Notice or Action</b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection,</p>

O	19	10/20/2004 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Non-Final Rejection".</i>	Non-final Action	Reply after Non-final Action under 37 CFR 1.111  Comments: mailed 11/15/04; recd 11/17/04  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Response after Non-Final Action".</i>	<b>4-Month PTO Response to Applicant Reply</b>  PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).	<input type="checkbox"/> 1.705(c) Showing of Due Care  <b>3-Month Applicant Response to Notice or Action</b>  Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154(b)(2)(C)(ii); 37 CFR 1.704(b).	Select Applicant Response: 20. Reply after Non-final Action	
O	20	11/17/2004 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Final Rejection".</i>						
O	21	02/08/2005 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Final Rejection".</i>						
O	22	04/08/2005 <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>	Information Disclosure Statement				--	

C	23	04/08/2005	Amendment after Final <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Amendment after Final Rejection".</i>	<b>Exclusion for Appellate Review</b>  3-Year PTO Issue Requirement does not include the period of appellate review by the BPAI or a Federal court, beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of the last decision by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the BPAI. <u>35 USC 154(b)(1)(B)(ii); 37 CFR 1.702(b)(4), 1.703(b)(4).</u>	<input type="checkbox"/> <b>Select Responsive Event:</b> 33. Final BPAI Decision	<input checked="" type="checkbox"/> <b>Select Final Appellate Decision:</b> 33. Final BPAI Decision	<input type="checkbox"/> <b>Select Initial Reply:</b> 24. Notice of Appeal to BPAI
			<b>Notice of Appeal to Board of Patent Appeal and Interferences</b>  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Notice of Appeal Filed".</i>	<input checked="" type="checkbox"/> <b>Credit for Successful Appellate Review</b>  Term of an original patent shall be adjusted (credits) for the period beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of a final decision in favor of the applicant by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145. <u>35 USC 154(b)(1)(C)(iii); 37 CFR 1.702(e), 1.703(e).</u>	<input checked="" type="checkbox"/> <b>Patent Issued under Appeal Decision Reversing an Adverse Determination of Patentability</b>  [!] Carefully check to determine whether this appeal was successful (patent was issued under an appeal decision reversing an adverse determination of patentability) as required under 35 USC 154(b)(1)(C)(iii), 37 CFR 1.702(e), 37 CFR 1.703(e), and other relevant authority. If this appeal was not successful, either delete this rule, or indicate the appeal was not successful by unchecking the box above.	<input checked="" type="checkbox"/> <b>Supplemental Reply or Other Paper (IDS)</b>  Period of adjustment (credits) shall be reduced where applicant submits a supplemental reply or other paper, not expressly requested by the examiner, after a reply has been filed, for the period beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed. <u>37 CFR 1.704(c)(8).</u>	<input type="checkbox"/> <b>1.704(d) IDS Statement Included</b>
C	24	05/09/2005	<b>Information Disclosure Statement</b>  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>				
C	25	05/10/2005	<b>Information Disclosure Statement</b>  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>				

			<input checked="" type="checkbox"/> Carefully check this IDS to determine if a statement under 37 CFR 1.704(d) is included. Indicate this using the checkbox above.
C	26	05/20/2005	<b>Advisory Action after Final Rejection</b> <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Advisory Action (PTO-303)".</i>
C	27	06/06/2005	<b>Appeal Brief by Applicant</b> <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Appeal Brief Filed".</i>
C	28	08/16/2005	<b>4-Month PTO Response to Appeal Brief</b> <p>PTO must respond to an appeal taken under 35 USC 134 not later than 4 months after the date on which the appeal was taken. The period of adjustment (credits) begins on the day after the date after the date that is 4 months after the date an appeal brief in compliance with 37 CFR 41.37 was filed and ending on the date of mailing of any of an examiner's answer under 37 CFR 41.39, an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A); 37 CFR 1.702(a)(2), 1.703(a)(4).</p>
C	29	08/30/2005	<b>Miscellaneous PTO Communication to Applicant</b> Comments: IDSs of 12/1/03 and 10/31/03 were considered -- <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Miscellaneous Communication to Applicant - No Action Count".</i>
C	30	05/03/2006	<b>Examiner's Answer to Appeal Brief</b> <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Examiner's Answer to Appeal Brief".</i>
			<b>Miscellaneous PTO Action or Notice</b> Comments: Order Returning Undocketed Appeal to Examiner to consider declaration -- <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Order Returning Undocketed Appeal to the Examiner".</i>

C	31	08/10/2006	Miscellaneous PTO Communication to Applicant  Comments: Comm from Examiner: Declaration had been considered  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Miscellaneous Communication to Applicant - No Action Count".</i>	
C	32	09/29/2006	Information Disclosure Statement  Comments: IDS mailed 9/22/06; rec'd 9/29/06  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Information Disclosure Statement (IDS) Filed".</i>	
C	33	03/01/2007	Final Decision by Board of Patent Appeals and Interferences  Comments: PAIR indicates decision mailed on 3/1/07, however document indicates it was mailed on 2/28/07. Spoke to paralegal at Board who said it was mailed on 3/1/07.  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "BPAI Decision - Examiner Reversed".</i>	<b>4-Month PTO Response to Appellate Decision</b>  PTO must act on an application not later than 4 months after the date of a decision by the BPAI under 35 USC 134 or 135 or a decision by a Federal court under 35 USC 141, 145, or 146 where at least one allowable claim remains in the application. The period of adjustment (credits) begins on the day after the date that is 4 months after the date of the final decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145 or 146 and ending on the date of mailing of either an action under 35 USC 132 or a notice of allowance under 35 USC 151, whichever occurs first. <u>35 USC 154(b)(1)(A)(iii); 37 CFR 1.702(a)(3), 1.703(a)(5).</u>  <input checked="" type="checkbox"/> Allowable Claim(s) Remain
C	34	06/25/2007	Notice of Allowance under 35 USC 151  <i>Imported from PAIR on 7/6/2007 9:19:39 AM. Original PAIR entry was "Mail Notice of Allowance".</i>	<b>3-Month Applicant Response to Notice or Action</b>  Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. <u>35 USC 154(b)(2)(C)(ii); 37 CFR 1.704(b).</u>  Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. <u>35 USC 154(b)(3)(C); 37 CFR 1.705(c).</u>

			<input type="checkbox"/> 1.705(c) Showing of Due Care
			<b>4-Month PTO Issue of Patent</b>
C	35	09/25/2007	Issue Fee Payment under 35 USC 151

PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credits) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements were satisfied and ends on the day the patent issues. 35 USC 154(b)(1)(A)(iv); 37 CFR 1.702(a)(4), 1.703(a)(6).

C	36	01/01/2008	Issue Date [!] Estimated event date. When the actual date is known, select this event, update the date (if it changed), and then click Save to remove this warning.
			<input type="checkbox"/> Apply Draft Rules 

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## EXHIBIT C



## AIPA Term Calculation Report

APPLICATION INFORMATION			
Docket Number:	CV01382K US	User Name:	Cannoni, Ann
Application Number:	10/057,629	Firm/Company Name:	Webb Law Firm
Filing Date:	01/25/2002	User Comments:	
Title/Inventor(s):		Calculation Generated:	07/06/2007 02:10:20 PM ET

AIPA TERM CALCULATION SUMMARY			
Earliest Referenced Application under 35 USC § 120, 121, or 365(c):		01 / 25 / 2002	
Filing Date (US National Application):		01 / 25 / 2002	
Net Adjustment Credits:		1071 Days	
Net Adjustment Debits:		150 Days	
Patent Term Adjustment:		921 Days	
AIPA Patent Term End Date:		08 / 03 / 2024 (1)	
(1) Assumes payment of all maintenance fees, no intervening acts, and no 35 USC 156 regulatory extensions. Terminal disclaimer(s) filed in this case, if any, may result in an earlier term end date. Without adjustment, the term would end on 01/25/2022.			

COMPARISON TO USPTO PAIR PTA TAB (2) (Based on PAIR Data from 07/06/2007)			
	PAIR PTA Tab	Your Calculation	Comparison
Credit Days (USPTO Delay):	761	1071	x
Debit Days (Applicant Delay):	149	150	x
Total Patent Term Adjustment Days:	612	921	x

(2) Comparison is shown for USPTO Delay, Applicant Delay, and Total Patent Term Adjustment fields displayed on USPTO PAIR Patent Term Adjustments (PTA) tab on 07/06/2007. See the full PAIR PTA tab, file wrapper (e.g., Notice of Allowance, PTA-related petitions), and issued patent for complete information on USPTO-calculated PTA.

RULE CALCULATION SUMMARY (3)						
	Event	Rule Invoked	Related Event	Exclusion Days (4)	Debit Days (5)	Credit Days (6)
		<b>14-Month PTO First Action</b>				
A	01/25/2002 Filing Date under 35 USC 111(a) (US National Application)	PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 and ending on the date of mailing of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(i); 37 CFR 1.702(a)(1), 1.703(a)(1).				99
B	01/25/2002 Filing Date under 35 USC 111(a) (US National Application)	<b>3-Year PTO Issue of Patent</b>  PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusionaly periods. 35 USC 154(b)(1)(B); 37 CFR 1.702(b), 1.703(b).  You have elected to analyze this rule under the PTO Exclusion Interpretation.				310
C	07/02/2003 Restriction / Election-of-Species	<b>3-Month Applicant Response to Notice or Action</b>  Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).  Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).  You have indicated that no 1.705(c) Showing of Due Care was made.				50

		<b>Reply Having Omission</b>	<i>Reply/Other Paper Correcting Omission:</i>	
<b>D</b>	08/04/2003 Response to Election-of-Species / Restriction Filed	Period of adjustment (credits) shall be reduced where applicant submits a reply having an omission (37 CFR 1.135(c)), for the period beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed. 37 CFR 1.704(c)(7). The USPTO interprets this rule as not limited to Office actions under 37 CFR 1.135(c), but it applies when the Office issues any action or notice indicating that a reply has an omission which must be corrected. See MPEP 2732 at 2700-20 (8th ed., rev. 2, May 2004).	11/21/2003 Response to Election-of-Species / Restriction Filed	109
<b>E</b>	10/21/2003 Notice of Informal or Non-Responsive Amendment	<b>3-Month Applicant Response to Notice or Action</b>  Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).  Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).  You have indicated that no 1.705(c) Showing of Due Care was made.	<i>Applicant Response:</i>  11/21/2003 Response to Election-of-Species / Restriction Filed	0
<b>F</b>	11/21/2003 Response to Election-of-Species / Restriction Filed	<b>4-Month PTO Response to Applicant Reply</b>  PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).	<i>PTO Response:</i>  03/15/2004 Non-final Action	0

		<b>Supplemental Reply or Other Paper (IDS)</b>	
12/01/2003	G Information Disclosure Statement	<p>Period of adjustment (credit) shall be reduced where applicant submits a supplemental reply or other paper, not expressly requested by the examiner, after a reply has been filed, for the period beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed. 37 CFR 1.704(c)(8).</p> <p>A paper containing only an IDS in compliance with 37 CFR 1.97 and 1.98 will not generate a reduction if accompanied by a statement that each item in the IDS was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than 30 days prior to the filing of the IDS. This 30 day period is not extendable. 37 CFR 1.704(d).</p> <p>You have indicated that no statement under 37 CFR 1.704(d) was included with this IDS.</p>	<i>Initial Reply:</i> 11/21/2003 Response to Election-of-Species / Restriction Filed  10
		<b><u>3-Month Applicant Response to Notice or Action</u></b>	
03/15/2004	H Non-final Action	<p>Period of adjustment (credit) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<i>Applicant Response:</i> 07/14/2004 Reply after Non-final Action under 37 CFR 1.111  29
		<b><u>4-Month PTO Response to Applicant Reply</u></b>	
	I	<p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).</p>	<i>PTO Response:</i> 10/20/2004 Non-final Action  0

<p><b>J</b></p> <p>10/20/2004 Non-final Action</p>	<p><b>3-Month Applicant Response to Notice or Action</b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i> 11/1/2004 Reply after Non-final Action under 37 CFR 1.111</p> <p><b>0</b></p>
<p><b>K</b></p>	<p>11/1/2004 Reply after Non-final Action under 37 CFR 1.111</p>	<p><b>4-Month PTO Response to Applicant Reply</b></p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).</p>
<p><b>L</b></p>	<p>02/08/2005 Final Rejection</p>	<p><b>3-Month Applicant Response to Notice or Action</b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>
<p><b>M</b></p>	<p>05/09/2005 Notice of Appeal to Board of Patent Appeal and Interferences</p>	<p><b>Exclusion for Appellate Review</b></p> <p>3-Year PTO Issue Requirement does not include the period of appellate review by the BPAI or a Federal court, beginning on the date on which a notice of appeal to the last decision by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the BPAI. 35 USC 154(b)(1)(B)(ii); 37 CFR 1.702(b)(4), 1.703(b)(4).</p>

<p><b>N</b> 05/09/2005 Notice of Appeal to Board of Patent Appeal and Interferences</p>	<p><b>Credit for Successful Appellate Review</b></p> <p>Term of an original patent shall be adjusted (credits) for the period beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of a final decision in favor of the applicant by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145. 35 USC 154(b)(1)(C)(iii); 37 CFR 1.702(e), 1.703(e).</p> <p>You have indicated the patent issued under an appeal decision reversing an adverse determination of patentability.</p>	<p><i>Final Appellate Decision:</i> 03/01/2007 Final Decision by Board of Patent Appeals and Interferences</p> <p><b>662</b></p>
<p><b>O</b> 05/10/2005 Information Disclosure Statement</p>	<p><b>Supplemental Reply or Other Paper (IDS)</b></p> <p>Period of adjustment (credits) shall be reduced where applicant submits a supplemental reply or other paper, not expressly requested by the examiner, after a reply has been filed, for the period beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed. 37 CFR 1.704(c)(8).</p> <p>A paper containing only an IDS in compliance with 37 CFR 1.97 and 1.98 will not generate a reduction if accompanied by a statement that each item in the IDS was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than 30 days prior to the filing of the IDS. This 30 day period is not extendable. 37 CFR 1.704(d).</p> <p>You have indicated that no statement under 37 CFR 1.704(d) was included with this IDS.</p>	<p><i>Initial Reply:</i> 05/09/2005 Notice of Appeal to Board of Patent Appeals and Interferences</p> <p><b>1</b></p>
<p><b>P</b> 06/06/2005 Appeal Brief by Applicant</p>	<p><b>4-Month PTO Response to Appeal Brief</b></p> <p>PTO must respond to an appeal taken under 35 USC 134 not later than 4 months after the date on which the appeal was taken. The period of adjustment (credits) begins on the day after the date that is 4 months after the date an appeal brief in compliance with 37 CFR 41.37 was filed and ending on the date of mailing of any of an examiner's answer under 37 CFR 41.39, an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(4).</p>	<p><i>PTO Response to Appeal Brief:</i> 08/30/2005 Examiner's Answer to Appeal Brief</p> <p><b>0</b></p>
<p><b>Q</b> 03/01/2007 Final Decision by Board of Patent Appeals and Interferences</p>	<p><b>4-Month PTO Response to Appellate Decision</b></p> <p>PTO must act on an application not later than 4 months after the date of a decision by the BPAI under 35 USC 134 or 135 or a decision by a Federal court under 35 USC 141, 145, or 146 where at least one allowable claim remains in the application. The period of adjustment (credits) begins on the day after the date that is 4 months after the date of the final decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145 or 146 and ending on the date of mailing of either an action under 35 USC 132 or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(iii); 37 CFR 1.702(a)(3), 1.703(a)(5).</p> <p>You have indicated allowable claim(s) remain in the application.</p>	<p><i>PTO Response to Decision:</i> 06/25/2007 Notice of Allowance under 35 USC 151</p> <p><b>0</b></p>

3-Month Applicant Response to Notice or Action			
R 06/25/2007 Notice of Allowance under 35 USC 151	<p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i> 09/25/2007 Issue Fee Payment under 35 USC 151</p>	0
S 09/25/2007 Issue Fee Payment under 35 USC 151	<p><b>4-Month PTO Issue of Patent</b></p> <p>PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credits) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements were satisfied and ends on the day the patent issues. 35 USC 154(b)(1)(A)(iv); 37 CFR 1.702(a)(4), 1.703(a)(6).</p>	<p><i>Issue Date:</i> 01/01/2008 Issue Date</p>	0
Total Exclusion, Debit, and Credit Days:			662
Overlap Days (7) :			0
Net Exclusion, Debit, and Credit Days:			662
Patent Term Adjustment Days (8) :			1071
			921
<p>(3) Calculations of Debit, Credit, and Exclusion Days are determined by the rule assignments, assignments of related events, and analysis options in the Apply Term Rules tab. The patent professional using this system is responsible for reviewing and updating the Apply Term Rules tab to ensure all data is complete, correct, and consistent with their judgment and interpretation of applicable legal authority.</p> <p>(4) Exclusion Days are periods which are not included in determining the end of the 3-year period after the date on which the application was filed under 35 USC 111(a), or the national stage commenced under 35 USC 371(b) or (f) in an international application, used to determine credits under the 3-Year PTO Issue of Patent rule. See 35 USC 154(b)(1)(B)(i)-(iii); 37 CFR 1.702(b)(1)-(5), 1.703(b)(1)-(4).</p> <p>(5) Debit Days are days where grounds for reduction of period of adjustment of patent term exist. See, e.g., 37 CFR 1.704. Debit Days are sometimes referred to as Applicant Delay.</p> <p>(6) Credit Days are days where grounds for adjustment of patent term exist. See, e.g., 37 CFR 1.702, 1.703. Credit Days are sometimes referred to as USPTO Delay.</p> <p>(7) To the extent credit periods overlap other debit periods, or exclusion periods overlap other exclusion periods, overlaps are subtracted so that each calendar day generates at most one credit day, one debit day, and one exclusion day.</p> <p>(8) Patent Term Adjustment Days equals Net Credit Days minus Net Debit Days, but is not less than zero.</p>			
37 CFR § 1.703(f) "ACTUAL DELAY" LIMITATION CALCULATION			Credit Days

Number of days issue of patent exceeded 3 years after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application, not including exclusion days (4) :	409
Number of Net Credit Days (6) from all rules other than 3-Year PTO Issue of Patent rule, not including Credit Days on exclusion days (4) :	99
Remaining Credit Days generated under 3-Year PTO Issue of Patent rule, after 37 CFR 1.703(f) Actual Delay Limitation:	310

## EXHIBIT D



## AIPA Term Calculation Calendar

APPLICATION INFORMATION			
Docket Number:	CV01382K US	User Name:	Cannoni, Ann
Application Number:	10/057,629	Firm/Company Name:	Webb Law Firm
Filing Date:	01/25/2002	User Comments:	
Title/Inventor(s):		Calculation Generated:	07/06/2007 02:11:14 PM ET

AIPA TERM CALCULATION SUMMARY	
Earliest Referenced Application under 35 USC § 120, 121, or 365(c):	01 / 25 / 2002
Filing Date (US National Application):	01 / 25 / 2002
Net Adjustment Credits:	1071 Days
Net Adjustment Debits:	150 Days
Patent Term Adjustment:	921 Days
AIPA Patent Term End Date:	08 / 03 / 2024 (1)

(1) Assumes payment of all maintenance fees, no intervening acts, and no 35 USC 156 regulatory extensions. Terminal disclaimer(s) filed in this case, if any, may result in an earlier term end date. Without adjustment, the term would end on 01/25/2022.

COMPARISON TO USPTO PAIR PTA TAB (2) (Based on PAIR Data from 07/06/2007)		
	PAIR PTA Tab	Your Calculation
Credit Days (USPTO Delay):	761	1071
Debit Days (Applicant Delay):	149	150
Total Patent Term Adjustment Days:	612	921

(2) Comparison is shown for USPTO Delay, Applicant Delay, and Total Patent Term Adjustment fields displayed on USPTO PAIR Patent Term Adjustments (PTA) tab on 07/06/2007. See the full PAIR PTA tab, file wrapper (e.g., Notice of Allowance, PTA-related petitions), and issued patent for complete information on USPTO-calculated PTA.

JANUARY 2002						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25 •US Filing Date	26	27
28	29	30	31			

MARCH 2008						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25 •14-Month PTO Deadline	26 A	27 A	28 A	29 A	30 A
31	A					

APRIL 2003						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 A	2 A	3 A	4 A	5 A	6 A	
7 A	8 A	9 A	10 A	11 A	12 A	13 A
14 A	15 A	16 A	17 A	18 A	19 A	20 A
21 A	22 A	23 A	24 A	25 A	26 A	27 A
28 A	29 A	30 A				

MAY 2003						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
5 A	6 A	7 A	8 A	9 A	10 A	11 A
12 A	13 A	14 A	15 A	16 A	17 A	18 A
19 A	20 A	21 A	22 A	23 A	24 A	25 A
26 A	27 A	28 A	29 A	30 A	31 A	

JUNE 2003						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
2 A	3 A	4 A	5 A	6 A	7 A	1 A
9 A	10 A	11 A	12 A	13 A	14 A	15 A
16 A	17 A	18 A	19 A	20 A	21 A	22 A
23 A	24 A	25 A	26 A	27 A	28 A	29 A
30 A						

JULY 2003						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 A	2 •Restriction / Election-of-Species A	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST 2003						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4						
• Response to Election-of-Species / Restriction Filed	5 <b>D</b>	6 <b>D</b>	7 <b>D</b>	8 <b>D</b>	9 <b>D</b>	10 <b>D</b>
11	12 <b>D</b>	13 <b>D</b>	14 <b>D</b>	15 <b>D</b>	16 <b>D</b>	17 <b>D</b>
18	19 <b>D</b>	20 <b>D</b>	21 <b>D</b>	22 <b>D</b>	23 <b>D</b>	24 <b>D</b>
25	26 <b>D</b>	27 <b>D</b>	28 <b>D</b>	29 <b>D</b>	30 <b>D</b>	31 <b>D</b>

SEPTEMBER 2003						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 D	2 D	3 D	4 D	5 D	6 D	7 D
8 D	9 D	10 D	11 D	12 D	13 D	14 D
15 D	16 D	17 D	18 D	19 D	20 D	21 D
22 D	23 D	24 D	25 D	26 D	27 D	28 D
29 D	30 D					

OCTOBER 2003						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 <b>D</b>	2 •3 Month Applicant Response Deadline <b>D</b>	3 <b>C,D</b>	4 <b>C,D</b>	5 <b>C,D</b>
6 <b>C,D</b>	7 <b>C,D</b>	8 <b>C,D</b>	9 <b>C,D</b>	10 <b>C,D</b>	11 <b>C,D</b>	12 <b>C,D</b>
13 <b>C,D</b>	14 <b>C,D</b>	15 <b>C,D</b>	16 <b>C,D</b>	17 <b>C,D</b>	18 <b>C,D</b>	19 <b>C,D</b>
20 <b>C,D</b>	21 •Notice of Informal or Non-Responsive Amendment <b>C,D</b>	22 <b>C,D</b>	23 <b>C,D</b>	24 <b>C,D</b>	25 <b>C,D</b>	26 <b>C,D</b>
27 <b>C,D</b>	28 <b>C,D</b>	29 <b>C,D</b>	30 <b>C,D</b>	31 <b>C,D</b>		

NOVEMBER 2008						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1 C,D	2 C,D
3 C,D	4 C,D	5 C,D	6 C,D	7 C,D	8 C,D	9 C,D
10 C,D	11 C,D	12 C,D	13 C,D	14 C,D	15 C,D	16 C,D
17 C,D	18 C,D	19 C,D	20 C,D	21 •Response to Election-of-Species / Restriction Filed C,D	22 G	23 G
24 G	25 G	26 G	27 G	28 G	29 G	30 G

December 2008						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 IDS G	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

MARCH 2004						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE 2004						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15 •3 Month Applicant Response Deadline <b>H</b>	16 <b>H</b>	17 <b>H</b>	18 <b>H</b>	19 <b>H</b>	20 <b>H</b>
21	22 <b>H</b>	23 <b>H</b>	24 <b>H</b>	25 <b>H</b>	26 <b>H</b>	27 <b>H</b>
28	29 <b>H</b>	30 <b>H</b>				

JULY 2004						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 <b>H</b>	2 <b>H</b>	3 <b>H</b>	4 <b>H</b>	
5 <b>H</b>	6 <b>H</b>	7 <b>H</b>	8 <b>H</b>	9 <b>H</b>	10 <b>H</b>	11 <b>H</b>
12 <b>H</b>	13 <b>H</b>	14 •Reply after Non-final Action <b>H</b>	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

OCTOBER 2004						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1	2	3
4						
5	6	7	8	9	10	
11	12	13	14	15	16	17
18	19	20 •Non-final Action	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER 2004						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17 •Reply after Non-final Action	18	19	20	21
22	23	24	25	26	27	28
29	30					

JANUARY 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25 •3-Year PTO Issue Deadline	26 <b>B</b>	27 <b>B</b>	28 <b>B</b>	29 <b>B</b>	30 <b>B</b>
31	<b>B</b>					

FEBRUARY 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 B	2 B	3 B	4 B	5 B	6 B	
7 B	8 •Final Rejection B	9 B	10 B	11 B	12 B	13 B
14 B	15 B	16 B	17 B	18 B	19 B.	20 B
21 B	22 B	23 B	24 B	25 B	26 B	27 B
28 B						

MARCH 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1 <b>B</b>	2 <b>B</b>	3 <b>B</b>	4 <b>B</b>	5 <b>B</b>	6 <b>B</b>
7 <b>B</b>	8 <b>B</b>	9 <b>B</b>	10 <b>B</b>	11 <b>B</b>	12 <b>B</b>	13 <b>B</b>
14 <b>B</b>	15 <b>B</b>	16 <b>B</b>	17 <b>B</b>	18 <b>B</b>	19 <b>B</b>	20 <b>B</b>
21 <b>B</b>	22 <b>B</b>	23 <b>B</b>	24 <b>B</b>	25 <b>B</b>	26 <b>B</b>	27 <b>B</b>
28 <b>B</b>	29 <b>B</b>	30 <b>B</b>	31 <b>B</b>			

APRIL 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1 B	2 B	3 B
4 B	5 B	6 B	7 B	8 B	9 B	10 B
11 B	12 B	13 B	14 B	15 B	16 B	17 B
18 B	19 B	20 B	21 B	22 B	23 B	24 B
25 B	26 B	27 B	28 B	29 B	30 B	

MAY 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
2 <b>B</b>	3 <b>B</b>	4 <b>B</b>	5 <b>B</b>	6 <b>B</b>	7 <b>B</b>	8 •3 Month Applicant Response Deadline <b>B</b>
9 •IDS •Notice of Appeal <b>M N O</b>	10 •IDS •Notice of Appeal <b>M N L</b>	11 <b>M N</b>	12 <b>M N</b>	13 <b>M N</b>	14 <b>M N</b>	15 <b>M N</b>
16 <b>M N</b>	17 <b>M N</b>	18 <b>M N</b>	19 <b>M N</b>	20 <b>M N</b>	21 <b>M N</b>	22 <b>M N</b>
23 <b>M N</b>	24 <b>M N</b>	25 <b>M N</b>	26 <b>M N</b>	27 <b>M N</b>	28 <b>M N</b>	29 <b>M N</b>
30 <b>M N</b>	31 <b>M N</b>					

JUNE 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 M N	2 M N	3 M N	4 M N	5 M N
6 Appeal Brief M N	7 M N	8 M N	9 M N	10 M N	11 M N	12 M N
13 M N	14 M N	15 M N	16 M N	17 M N	18 M N	19 M N
20 M N	21 M N	22 M N	23 M N	24 M N	25 M N	26 M N
27 M N	28 M N	29 M N	30 M N			

JULY 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1 M N	2 M N	3 M N
4 M N	5 M N	6 M N	7 M N	8 M N	9 M N	10 M N
11 M N	12 M N	13 M N	14 M N	15 M N	16 M N	17 M N
18 M N	19 M N	20 M N	21 M N	22 M N	23 M N	24 M N
25 M N	26 M N	27 M N	28 M N	29 M N	30 M N	31 M N

		AUGUST 2005								
Mon	Tue	Wed		Thu		Fri		Sat		Sun
1 M N	2 M N	3 M N	M N	4 M N	M N	5 M N	M N	6 M N	M N	7 M N
8 M N	9 M N	10 M N	M N	11 M N	M N	12 M N	M N	13 M N	M N	14 M N
15 M N	16 M N	17 M N	M N	18 M N	M N	19 M N	M N	20 M N	M N	21 M N
22 M N	23 M N	24 M N	M N	25 M N	M N	26 M N	M N	27 M N	M N	28 M N
29 M N	30 •Examiner's Answer	31 M N	M N							

SEPTEMBER 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1 M N	2 M N	3 M N	4 M N
5 M N	6 M N	7 M N	8 M N	9 M N	10 M N	11 M N
12 M N	13 M N	14 M N	15 M N	16 M N	17 M N	18 M N
19 M N	20 M N	21 M N	22 M N	23 M N	24 M N	25 M N
26 M N	27 M N	28 M N	29 M N	30 M N		

OCTOBER 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1 M N	2 M N
3 M N	4 M N	5 M N	6 M N	7 M N	8 M N	9 M N
10 M N	11 M N	12 M N	13 M N	14 M N	15 M N	16 M N
17 M N	18 M N	19 M N	20 M N	21 M N	22 M N	23 M N
24 M N	25 M N	26 M N	27 M N	28 M N	29 M N	30 M N
31 M N						

NOVEMBER 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 M N	2 M N	3 M N	4 M N	5 M N	6 M N	
7 M N	8 M N	9 M N	10 M N	11 M N	12 M N	13 M N
14 M N	15 M N	16 M N	17 M N	18 M N	19 M N	20 M N
21 M N	22 M N	23 M N	24 M N	25 M N	26 M N	27 M N
28 M N	29 M N	30 M N				

December 2005						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1 M N	2 M N	3 M N	4 M N
5 M N	6 M N	7 M N	8 M N	9 M N	10 M N	11 M N
12 M N	13 M N	14 M N	15 M N	16 M N	17 M N	18 M N
19 M N	20 M N	21 M N	22 M N	23 M N	24 M N	25 M N
26 M N	27 M N	28 M N	29 M N	30 M N	31 M N	

JANUARY 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
2 M N	3 M N	4 M N	5 M N	6 M N	7 M N	1 M N
9 M N	10 M N	11 M N	12 M N	13 M N	14 M N	15 M N
16 M N	17 M N	18 M N	19 M N	20 M N	21 M N	22 M N
23 M N	24 M N	25 M N	26 M N	27 M N	28 M N	29 M N
30 M N	31 M N					

FEBRUARY 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 M N	2 M N	3 M N	4 M N	5 M N
6 M N	7 M N	8 M N	9 M N	10 M N	11 M N	12 M N
13 M N	14 M N	15 M N	16 M N	17 M N	18 M N	19 M N
20 M N	21 M N	22 M N	23 M N	24 M N	25 M N	26 M N
27 M N	28 M N					

MARCH 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 M N	2 M N	3 M N	4 M N	5 M N
6 M N	7 M N	8 M N	9 M N	10 M N	11 M N	12 M N
13 M N	14 M N	15 M N	16 M N	17 M N	18 M N	19 M N
20 M N	21 M N	22 M N	23 M N	24 M N	25 M N	26 M N
27 M N	28 M N	29 M N	30 M N	31 M N		

APRIL 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1 M N	2 M N
3 M N	4 M N	5 M N	6 M N	7 M N	8 M N	9 M N
10 M N	11 M N	12 M N	13 M N	14 M N	15 M N	16 M N
17 M N	18 M N	19 M N	20 M N	21 M N	22 M N	23 M N
24 M N	25 M N	26 M N	27 M N	28 M N	29 M N	30 M N

MAY 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 M N	2 M N	3 M N	4 M N	5 M N	6 M N	7 M N
8 M N	9 M N	10 M N	11 M N	12 M N	13 M N	14 M N
15 M N	16 M N	17 M N	18 M N	19 M N	20 M N	21 M N
22 M N	23 M N	24 M N	25 M N	26 M N	27 M N	28 M N
29 M N	30 M N	31 M N				

JUNE 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
5 M N	6 M N	7 M N	8 M N	9 M N	10 M N	11 M N
12 M N	13 M N	14 M N	15 M N	16 M N	17 M N	18 M N
19 M N	20 M N	21 M N	22 M N	23 M N	24 M N	25 M N
26 M N	27 M N	28 M N	29 M N	30 M N		

JULY 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1 M N	2 M N
3 M N	4 M N	5 M N	6 M N	7 M N	8 M N	9 M N
10 M N	11 M N	12 M N	13 M N	14 M N	15 M N	16 M N
17 M N	18 M N	19 M N	20 M N	21 M N	22 M N	23 M N
24 M N	25 M N	26 M N	27 M N	28 M N	29 M N	30 M N
31 M N						

AUGUST 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 M N	2 M N	3 M N	4 M N	5 M N	6 M N	
7 M N	8 M N	9 M N	10 M N	11 M N	12 M N	13 M N
14 M N	15 M N	16 M N	17 M N	18 M N	19 M N	20 M N
21 M N	22 M N	23 M N	24 M N	25 M N	26 M N	27 M N
28 M N	29 M N	30 M N	31 M N			

SEPTEMBER 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1 M N	2 M N	3 M N
4 M N	5 M N	6 M N	7 M N	8 M N	9 M N	10 M N
11 M N	12 M N	13 M N	14 M N	15 M N	16 M N	17 M N
18 M N	19 M N	20 M N	21 M N	22 M N	23 M N	24 M N
25 M N	26 M N	27 M N	28 M N	29 M N	30 M N	

OCTOBER 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
2 M N	3 M N	4 M N	5 M N	6 M N	7 M N	1 M N
9 M N	10 M N	11 M N	12 M N	13 M N	14 M N	15 M N
16 M N	17 M N	18 M N	19 M N	20 M N	21 M N	22 M N
23 M N	24 M N	25 M N	26 M N	27 M N	28 M N	29 M N
30 M N	31 M N					

NOVEMBER 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 M N	2 M N	3 M N	4 M N	5 M N
6 M N	7 M N	8 M N	9 M N	10 M N	11 M N	12 M N
13 M N	14 M N	15 M N	16 M N	17 M N	18 M N	19 M N
20 M N	21 M N	22 M N	23 M N	24 M N	25 M N	26 M N
27 M N	28 M N	29 M N	30 M N			

December 2006						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1 M N	2 M N	3 M N
4 M N	5 M N	6 M N	7 M N	8 M N	9 M N	10 M N
11 M N	12 M N	13 M N	14 M N	15 M N	16 M N	17 M N
18 M N	19 M N	20 M N	21 M N	22 M N	23 M N	24 M N
25 M N	26 M N	27 M N	28 M N	29 M N	30 M N	31 M N

JANUARY 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 M N	2 M N	3 M N	4 M N	5 M N	6 M N	7 M N
8 M N	9 M N	10 M N	11 M N	12 M N	13 M N	14 M N
15 M N	16 M N	17 M N	18 M N	19 M N	20 M N	21 M N
22 M N	23 M N	24 M N	25 M N	26 M N	27 M N	28 M N
29 M N	30 M N	31 M N				

FEBRUARY 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1 M N	2 M N	3 M N	4 M N
5 M N	6 M N	7 M N	8 M N	9 M N	10 M N	11 M N
12 M N	13 M N	14 M N	15 M N	16 M N	17 M N	18 M N
19 M N	20 M N	21 M N	22 M N	23 M N	24 M N	25 M N
26 M N	27 M N	28 M N				

MARCH 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
			1 •Final BPAI Decision M N	2 B	3 B	4 B
5 B	6 B	7 B	8 B	9 B	10 B	11 B
12 B	13 B	14 B	15 B	16 B	17 B	18 B
19 B	20 B	21 B	22 B	23 B	24 B	25 B
26 B	27 B	28 B	29 B	30 B	31 B	

APRIL 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
2 <b>B</b>	3 <b>B</b>	4 <b>B</b>	5 <b>B</b>	6 <b>B</b>	7 <b>B</b>	1 <b>B</b>
9 <b>B</b>	10 <b>B</b>	11 <b>B</b>	12 <b>B</b>	13 <b>B</b>	14 <b>B</b>	15 <b>B</b>
16 <b>B</b>	17 <b>B</b>	18 <b>B</b>	19 <b>B</b>	20 <b>B</b>	21 <b>B</b>	22 <b>B</b>
23 <b>B</b>	24 <b>B</b>	25 <b>B</b>	26 <b>B</b>	27 <b>B</b>	28 <b>B</b>	29 <b>B</b>
30 <b>B</b>						

MAY 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1 <b>B</b>	2 <b>B</b>	3 <b>B</b>	4 <b>B</b>	5 <b>B</b>	6 <b>B</b>
7 <b>B</b>	8 <b>B</b>	9 <b>B</b>	10 <b>B</b>	11 <b>B</b>	12 <b>B</b>	13 <b>B</b>
14 <b>B</b>	15 <b>B</b>	16 <b>B</b>	17 <b>B</b>	18 <b>B</b>	19 <b>B</b>	20 <b>B</b>
21 <b>B</b>	22 <b>B</b>	23 <b>B</b>	24 <b>B</b>	25 <b>B</b>	26 <b>B</b>	27 <b>B</b>
28 <b>B</b>	29 <b>B</b>	30 <b>B</b>	31 <b>B</b>			

JUNE 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
				1 B	2 B	3 B
4 B	5 B	6 B	7 B	8 B	9 B	10 B
11 B	12 B	13 B	14 B	15 B	16 B	17 B
18 B	19 B	20 B	21 B	22 B	23 B	24 B
25 •Notice of Allowance B	26 B	27 B	28 B	29 B	30 B	

JULY 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
2 <b>B</b>	3 <b>B</b>	4 <b>B</b>	5 <b>B</b>	6 <b>B</b>	7 <b>B</b>	1 <b>B</b>
9 <b>B</b>	10 <b>B</b>	11 <b>B</b>	12 <b>B</b>	13 <b>B</b>	14 <b>B</b>	15 <b>B</b>
16 <b>B</b>	17 <b>B</b>	18 <b>B</b>	19 <b>B</b>	20 <b>B</b>	21 <b>B</b>	22 <b>B</b>
23 <b>B</b>	24 <b>B</b>	25 <b>B</b>	26 <b>B</b>	27 <b>B</b>	28 <b>B</b>	29 <b>B</b>
30 <b>B</b>	31 <b>B</b>					

AUGUST 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
	1 <b>B</b>	2 <b>B</b>	3 <b>B</b>	4 <b>B</b>	5 <b>B</b>	
6 <b>B</b>	7 <b>B</b>	8 <b>B</b>	9 <b>B</b>	10 <b>B</b>	11 <b>B</b>	12 <b>B</b>
13 <b>B</b>	14 <b>B</b>	15 <b>B</b>	16 <b>B</b>	17 <b>B</b>	18 <b>B</b>	19 <b>B</b>
20 <b>B</b>	21 <b>B</b>	22 <b>B</b>	23 <b>B</b>	24 <b>B</b>	25 <b>B</b>	26 <b>B</b>
27 <b>B</b>	28 <b>B</b>	29 <b>B</b>	30 <b>B</b>	31 <b>B</b>		

SEPTEMBER 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1 B	2 B
3 B	4 B	5 B	6 B	7 B	8 B	9 B
10 B	11 B	12 B	13 B	14 B	15 B	16 B
17 B	18 B	19 B	20 B	21 B	22 B	23 B
24 B	25 •Issue Fee Payment B	26 B	27 B	28 B	29 B	30 B

OCTOBER 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 B	2 B	3 B	4 B	5 B	6 B	7 B
8 B	9 B	10 B	11 B	12 B	13 B	14 B
15 B	16 B	17 B	18 B	19 B	20 B	21 B
22 B	23 B	24 B	25 B	26 B	27 B	28 B
29 B	30 B	31 B				

NOVEMBER 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
		1 <b>B</b>	2 <b>B</b>	3 <b>B</b>	4 <b>B</b>	
5 <b>B</b>	6 <b>B</b>	7 <b>B</b>	8 <b>B</b>	9 <b>B</b>	10 <b>B</b>	11 <b>B</b>
12 <b>B</b>	13 <b>B</b>	14 <b>B</b>	15 <b>B</b>	16 <b>B</b>	17 <b>B</b>	18 <b>B</b>
19 <b>B</b>	20 <b>B</b>	21 <b>B</b>	22 <b>B</b>	23 <b>B</b>	24 <b>B</b>	25 <b>B</b>
26 <b>B</b>	27 <b>B</b>	28 <b>B</b>	29 <b>B</b>	30 <b>B</b>		

December 2007						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
					1 B	2 B
3 B	4 B	5 B	6 B	7 B	8 B	9 B
10 B	11 B	12 B	13 B	14 B	15 B	16 B
17 B	18 B	19 B	20 B	21 B	22 B	23 B
24 B	25 B	26 B	27 B	28 B	29 B	30 B
31 B						

JANUARY 2008						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
1 •Issue Date B	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

RULE CALCULATION SUMMARY (3)							
	Event	Rule Invoked	Related Event	Exclusion Days (4)	Debit Days (5)	Credit Days (6)	
		<b>14-Month PTO First Action</b>					
A	01/25/2002 Filing Date under 35 USC 111(a) (US National Application)	PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 and ending on the date of mailing of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A); 37 CFR 1.702(a)(1), 1.703(a)(1).					
B	01/25/2002 Filing Date under 35 USC 111(a) (US National Application)	<b>3-Year PTO Issue of Patent</b>  PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusory periods. 35 USC 154(b)(1)(B); 37 CFR 1.702(b), 1.703(b).  You have elected to analyze this rule under the PTO Exclusion Interpretation.  You have elected to analyze this rule under the 37 CFR § 1.703(f) Actual Delay Limitation. Credit Days shown for this rule are those remaining after the Actual Delay Limitation is applied. See calculation details below. If you are viewing an AIPA Term Calculation Calendar, note that the calendar months show marks for all credits under this rule, even those eliminated under this election.					
C	07/02/2003 Restriction / Election-of-Species	<b>3-Month Applicant Response to Notice or Action</b>  Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii), 37 CFR 1.704(b).  Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).  You have indicated that no 1.705(c) Showing of Due Care was made.					

		<b>Reply Having Omission</b>			
<b>D</b>	08/04/2003 Response to Election-of-Species / Restriction Filed	Period of adjustment (credits) shall be reduced where applicant submits a reply having an omission (37 CFR 1.135(c)). For the period beginning on the day after the date the reply having an omission was filed and ending on the date that the reply or other paper correcting the omission was filed. 37 CFR 1.704(c)(7). The USPTO interprets this rule as not limited to Office actions under 37 CFR 1.135(c), but it applies when the Office issues any action or notice indicating that a reply has an omission which must be corrected. See MPEP 2732 at 2700-20 (8th ed., rev. 2, May 2004).	<i>Reply/Other Paper Correcting Omission:</i> 11/21/2003 Response to Election-of-Species / Restriction Filed	109	0
<b>E</b>	10/21/2003 Notice of Informal or Non-Responsive Amendment	<b>3-Month Applicant Response to Notice or Action</b>  Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).  Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).  You have indicated that no 1.705(c) Showing of Due Care was made.	<i>Applicant Response:</i> 11/21/2003 Response to Election-of-Species / Restriction Filed	0	0
<b>F</b>	11/21/2003 Response to Election-of-Species / Restriction Filed	<b>4-Month PTO Response to Applicant Reply</b>  PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).	<i>PTO Response:</i> 03/15/2004 Non-final Action	0	0

		<b>Supplemental Reply or Other Paper (IDS)</b>	
12/01/2003	G Information Disclosure Statement	<p>Period of adjustment (credits) shall be reduced where applicant submits a supplemental reply or other paper, not expressly requested by the examiner, after a reply has been filed, for the period beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed. 37 CFR 1.704(c)(8).</p> <p>A paper containing only an IDS in compliance with 37 CFR 1.97 and 1.98 will not generate a reduction if accompanied by a statement that each item in the IDS was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than 30 days prior to the filing of the IDS. This 30 day period is not extendable. 37 CFR 1.704(d).</p> <p>You have indicated that no statement under 37 CFR 1.704(d) was included with this IDS.</p>	<i>Initial Reply:</i> 11/21/2003 Response to Election-of-Species / Restriction Filed 10
03/15/2004	H Non-final Action	<p><b>3-Month Applicant Response to Notice or Action</b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<i>Applicant Response:</i> 07/14/2004 Reply after Non-final Action under 37 CFR 1.111 29
1		<p><b>4-Month PTO Response to Applicant Reply</b></p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).</p>	<i>PTO Response:</i> 10/20/2004 Non-final Action 0

<p><b>J</b></p> <p>10/20/2004 Non-final Action</p>	<p><b>3-Month Applicant Response to Notice or Action</b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made..</p>	<p><i>Applicant Response:</i> 11/17/2004 Reply after Non-final Action under 37 CFR 1.111</p> <p><b>0</b></p>	
<p><b>K</b></p>	<p>11/17/2004 Reply after Non-final Action under 37 CFR 1.111</p>	<p><b>4-Month PTO Response to Applicant Reply</b></p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2),(3).</p>	
<p><b>L</b></p>	<p>02/08/2005 Final Rejection</p>	<p><b>3-Month Applicant Response to Notice or Action</b></p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made..</p>	<p><i>Applicant Response:</i> 05/09/2005 Notice of Appeal to Board of Patent Appeal and Interferences</p> <p><b>1</b></p>
<p><b>M</b></p>	<p>05/09/2005 Notice of Appeal to Board of Patent Appeal and Interferences</p>	<p><b>Exclusion for Appellate Review</b></p> <p>3-Year PTO Issue Requirement does not include the period of appellate review by the BPAI or a Federal court, beginning on the date on which a notice of appeal to the last decision by the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the BPAI. 35 USC 154(b)(1)(B)(ii); 37 CFR 1.702(b)(4), 1.703(b)(4).</p>	<p><i>Responsive Event:</i> 03/01/2007 Final Decision by Board of Patent Appeals and Interferences</p> <p><b>662</b></p>

<p><b>N</b></p> <p>05/09/2005 Notice of Appeal to Board of Patent Appeal and Interferences</p>	<p><b>Credit for Successful Appellate Review</b></p> <p>Term of an original patent shall be adjusted (credits) for the period beginning on the date on which a notice of appeal to the BPAI was filed under 35 USC 134 and 37 CFR 41.31 and ending on the date of a final decision in favor of the applicant by the BPAI or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145, 35 USC 154(b)(1)(C)(iii); 37 CFR 1.702(e), 1.703(e).</p> <p>You have indicated the patent issued under an appeal decision reversing an adverse determination of patentability.</p>	<p><i>Final Appellate Decision:</i> 03/01/2007 Final Decision by Board of Patent Appeals and Interferences</p> <p><i>Initial Reply:</i> 05/09/2005 Notice of Appeal to Board of Patent Appeal and Interferences</p> <p>1</p>	
<p><b>O</b></p> <p>05/10/2005 Information Disclosure Statement</p>	<p><b>Supplemental Reply or Other Paper (IDS)</b></p> <p>Period of adjustment (credits) shall be reduced where applicant submits a supplemental reply or other paper, not expressly requested by the examiner, after a reply has been filed, for the period beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed. 37 CFR 1.704(c)(8).</p> <p>A paper containing only an IDS in compliance with 37 CFR 1.97 and 1.98 will not generate a reduction if accompanied by a statement that each item in the IDS was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than 30 days prior to the filing of the IDS. This 30 day period is not extendable. 37 CFR 1.704(d).</p> <p>You have indicated that no statement under 37 CFR 1.704(d) was included with this IDS.</p>	<p><i>PTO Response to Appeal Brief:</i> 08/30/2005 Examiner's Answer to Appeal Brief</p>	
<p><b>P</b></p> <p>06/06/2005 Appeal Brief by Applicant</p>	<p><b>4-Month PTO Response to Appeal Brief</b></p> <p>PTO must respond to an appeal taken under 35 USC 134 not later than 4 months after the date on which the appeal was taken. The period of adjustment (credits) begins on the day after the date that is 4 months after the date an appeal brief in compliance with 37 CFR 41.37 was filed and ending on the date of mailing of any of an examiner's answer under 37 CFR 41.39, an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(4).</p>	<p><i>PTO Response to Appeal Brief:</i> 08/30/2005 Examiner's Answer to Appeal Brief</p>	
<p><b>Q</b></p> <p>03/01/2007 Final Decision by Board of Patent Appeals and Interferences</p>	<p><b>4-Month PTO Response to Appellate Decision</b></p> <p>PTO must act on an application not later than 4 months after the date of a decision by the BPAI under 35 USC 134 or 135 or a decision by a Federal court under 35 USC 141, 145, or 146 where at least one allowable claim remains in the application. The period of adjustment (credits) begins on the day after the date that is 4 months after the date of the final decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 USC 141 or a civil action under 35 USC 145 or 146 and ending on the date of mailing of either an action under 35 USC 132 or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(iii); 37 CFR 1.702(a)(3), 1.703(a)(5).</p> <p>You have indicated allowable claim(s) remain in the application.</p>	<p><i>PTO Response to Decision:</i> 06/25/2007 Notice of Allowance under 35 USC 151</p>	

3-Month Applicant Response to Notice or Action			
R	06/25/2007 Notice of Allowance under 35 USC 151	Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).	<i>Applicant Response:</i> 09/25/2007 Issue Fee Payment under 35 USC 151
		Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).	
		You have indicated that no 1.705(c) Showing of Due Care was made.	
S	09/25/2007 Issue Fee Payment under 35 USC 151	<b>4-Month PTO Issue of Patent</b>  PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credits) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements were satisfied and ends on the day the patent issues. 35 USC 154(b)(1)(A)(iv); 37 CFR 1.702(a)(4), 1.703(a)(6).	<i>Issue Date:</i> 01/01/2008 Issue Date
		Total Exclusion, Debit, and Credit Days:	
		Overlap Days (7) :	0
		Net Exclusion, Debit, and Credit Days:	0
		Patent Term Adjustment Days (8) :	921
		(3) Calculations of Debit, Credit, and Exclusion Days are determined by the rule assignments, assignments of related events, and analysis options in the Apply Term Rules tab. The patent professional using this system is responsible for reviewing and updating the Apply Term Rules tab to ensure all data is complete, correct, and consistent with their judgment and interpretation of applicable legal authority.	
		(4) Exclusion Days are periods which are not included in determining the end of the 3-year period after the date on which the application was filed under 35 USC 111(a), or the national stage commenced under 35 USC 371(b) or (f) in an international application, used to determine credits under the 3-Year PTO Issue of Patent rule. See 35 USC 154(b)(1)(B)(i)-(iii); 37 CFR 1.702(b)(1)-(5), 1.703(b)(1)-(4).	
		(5) Debit Days are days where grounds for reduction of period of adjustment of patent term exist. See, e.g., 37 CFR 1.704. Debit Days are sometimes referred to as Applicant Delay.	
		(6) Credit Days are days where grounds for adjustment of patent term exist. See, e.g., 37 CFR 1.702, 1.703. Credit Days are sometimes referred to as USPTO Delay.	
		(7) To the extent credit periods overlap other debit periods, debit periods overlap other exclusion periods, or exclusion periods overlap other exclusion periods, overlaps are subtracted so that each calendar day generates at most one credit day, one debit day, and one exclusion day.	
		(8) Patent Term Adjustment Days equals Net Credit Days minus Net Debit Days, but is not less than zero.	
		<b>37 CFR § 1.703(f) "ACTUAL DELAY" LIMITATION CALCULATION</b>	
			Credit Days

Number of days issue of patent exceeded 3 years after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application, not including exclusion days (4) :	409
Number of Net Credit Days (6) from all rules other than 3-Year PTO Issue of Patent rule, not including Credit Days on exclusion days (4) :	99
Remaining Credit Days generated under 3-Year PTO Issue of Patent rule, after 37 CFR 1.703(f) Actual Delay Limitation:	310

## EXHIBIT E

10/057,629	USE OF SUBSTITUTED AZETIDINONE COMPOUNDS FOR THE TREATMENT OF SITOSTEROLEMIA	08-28-2007::17:26:18
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**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 10/057,629

Filing or 371(c) Date:	01-25-2002	USPTO Delay (PTO) Delay (days):	761
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	149
Post-Issue Petitions (days):	+0	Total PTA (days):	612
USPTO Adjustment(days):	+0	Explanation Of Calculations	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
06-25-2007	Mail Notice of Allowance		
06-21-2007	Document Verification		
06-13-2007	Notice of Allowance Data Verification Completed		
06-13-2007	Case Docketed to Examiner in GAU		
09-29-2006	Information Disclosure Statement considered		
03-01-2007	Mail BPAI Decision on Appeal - Reversed	662	
02-28-2007	BPAI Decision - Examiner Reversed		↑
09-29-2006	Information Disclosure Statement (IDS) Filed		↑
09-29-2006	Information Disclosure Statement (IDS) Filed		↑
09-09-2006	Assignment of Appeal Number		↑
08-23-2006	Appeal Awaiting BPAI Docketing		↑
08-10-2006	Mail Miscellaneous Communication to Applicant		↑
08-07-2006	Miscellaneous Communication to Applicant - No Action Count		↑
05-03-2006	Order Returning Undocketed Appeal to the Examiner		↑
04-11-2006	Appeal Awaiting BPAI Docketing		↑
08-30-2005	Mail Examiner's Answer		↑
08-22-2005	Examiner's Answer to Appeal Brief		↑
08-16-2005	Mail Miscellaneous Communication to Applicant		↑
08-15-2005	Miscellaneous Communication to Applicant - No Action Count		↑
06-09-2005	Date Forwarded to Examiner		↑
06-06-2005	Appeal Brief Filed		↑
05-20-2005	Mail Advisory Action (PTOL - 303)		↑
05-18-2005	Advisory Action (PTOL-303)		↑
05-10-2005	Information Disclosure Statement (IDS) Filed		↑
05-10-2005	Information Disclosure Statement (IDS) Filed		↑
05-09-2005	Notice of Appeal Filed		1
04-14-2005	Date Forwarded to Examiner		↑
04-08-2005	Amendment after Final Rejection		↑
04-08-2005	Information Disclosure Statement (IDS) Filed		↑
04-08-2005	Information Disclosure Statement (IDS) Filed		↑

02-08-2005	Mail Final Rejection (PTOL - 326)	↑
02-07-2005	Final Rejection	
11-23-2004	Date Forwarded to Examiner	
11-17-2004	Response after Non-Final Action	
10-20-2004	Mail Non-Final Rejection	
10-18-2004	Non-Final Rejection	
07-14-2004	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received	
07-14-2004	Oath or Declaration Filed (Including Supplemental)	
08-03-2004	Date Forwarded to Examiner	
07-14-2004	Response after Non-Final Action	29
07-14-2004	Request for Extension of Time - Granted	↑
07-14-2004	Workflow incoming petition IFW	↑
07-14-2004	Workflow incoming amendment IFW	↑
03-15-2004	Mail Non-Final Rejection	↑
03-03-2004	Non-Final Rejection	
12-01-2003	Reference capture on IDS	
12-01-2003	Information Disclosure Statement (IDS) Filed	10
12-01-2003	Information Disclosure Statement (IDS) Filed	
01-14-2004	Case Docketed to Examiner in GAU	↑
12-09-2003	IFW Amended case processing Complete	↑
12-09-2003	Date Forwarded to Examiner	↑
11-21-2003	Response to Election / Restriction Filed	109
10-31-2003	Reference capture on IDS	↑
10-31-2003	Information Disclosure Statement (IDS) Filed	↑
10-31-2003	Information Disclosure Statement (IDS) Filed	↑
10-21-2003	Mail Notice of Informal or Non-Responsive Amendment	↑
08-13-2003	Date Forwarded to Examiner	↑
08-04-2003	Informal or Non-Responsive Amendment after Examiner Action	↑
08-04-2003	Response to Election / Restriction Filed	↑
07-02-2003	Mail Restriction Requirement	99
06-30-2003	Requirement for Restriction / Election	↑
06-09-2003	Information Disclosure Statement (IDS) Filed	↑
06-09-2003	Information Disclosure Statement (IDS) Filed	↑
05-16-2003	Information Disclosure Statement (IDS) Filed	↑
05-16-2003	Information Disclosure Statement (IDS) Filed	↑
05-05-2003	Information Disclosure Statement (IDS) Filed	↑
05-05-2003	Information Disclosure Statement (IDS) Filed	↑
04-14-2003	Information Disclosure Statement (IDS) Filed	↑
04-14-2003	Information Disclosure Statement (IDS) Filed	↑
01-13-2003	Information Disclosure Statement (IDS) Filed	↑
01-13-2003	Information Disclosure Statement (IDS) Filed	↑

08-23-2002	Information Disclosure Statement (IDS) Filed	↑
08-23-2002	Information Disclosure Statement (IDS) Filed	↑
09-04-2002	Case Docketed to Examiner in GAU	↑
08-21-2002	Information Disclosure Statement (IDS) Filed	↑
08-21-2002	Information Disclosure Statement (IDS) Filed	↑
02-25-2002	Application Dispatched from OIPE	↑
02-20-2002	Application Is Now Complete	↑
02-06-2002	IFW Scan & PACR Auto Security Review	↑
01-25-2002	Initial Exam Team nn	↑

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